

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**TOWN COMMISSION**  
**REGULAR MEETING**  
**MINUTES**  
Jarvis Hall  
**4505 Ocean Drive**  
**Tuesday, April 13, 2010**  
**7:00 P.M.**

**1. CALL TO ORDER, MAYOR ROSEANN MINNET**

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Chris Vincent, Commissioner Scot Sasser, Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, Town Clerk June White, and Deputy Clerk Nekisha Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION – Reverend George Hunsaker**

Reverend Hunsaker gave the Invocation.

The following changes, corrections and/or deletions were made to the agenda.

Mayor Minnet explained that several items on the agenda were previously discussed at the April 12, 2010 Roundtable meeting and referred back to staff and/or the Town Attorney. She clarified items 15A, 15B, 15C, and 15F were removed from the agenda and referred back to Town staff for further information. Item 15E was discussed, item 15G was discussed and direction was given through Town staff to the Master Plan Steering Committee, 15H was discussed and referred to Town staff with recommendations, and item 15I was discussed and referred to the Town Attorney to create a draft resolution. Item 15K was pulled by Commissioner Clotey, item 15L was moved to item 16D, item 15M was moved to item 13D, and item 15O was discussed and referred to Town staff to be on the next Planning & Zoning meeting.

Commissioner Sasser requested the Commission be allowed to discuss 15G; he had further questions regarding the item. Mayor Minnet clarified that item 15G would be put back on the agenda for further discussion.

Mayor Minnet added item 12C to the Consent Agenda: Commission approval of Special Event Permit Application for Jazz on the Square – Village Pump and Grille.

Vice Mayor Dodd wanted clarification that the P&Z Board (Planning & Zoning) and the BOA (Board of Adjustments) were disbanded, and requested that an item be added regarding setting a date for the next Roundtable meeting. Mayor Minnet clarified item 17L would be added to the agenda: Discussion regarding setting a date for the next Roundtable meeting.

Commissioner Vincent requested item 17H be moved before item 17C. The Commission agreed to the change.

#### **4. PRESENTATIONS**

- a. Employee of the Quarter – Development Services Director Jeff Bowman

Jeff Bowman, Director of Development Services, awarded Kim Williams, Code Enforcement Officer, Employee of the Quarter for the fourth quarter 2009.

- b. Presentation by School Board Staff regarding Second ILA (Interlocal Agreement) (Thomas Coates, Executive Director of Facility Management Planning and Site Acquisition)

Thomas Coates, Executive Director of Facility Management Planning and Site Acquisition, thanked the Commission for allowing him to come back for a second time to give an overview of the second amendment to the Interlocal Agreement. He explained the first amendment to the agreement was done to achieve concurrency. Mr. Coates explained concurrency meant that development could no longer take place until infrastructure was in place to serve that development. He pointed out the benchmark of the agreement was a level of service of 110% of the permanent capacity and the initial solution was to add more schools and/or classrooms where needed. Mr. Coates said it was determined by the State that the School District could no longer add capacity because they were too under enrolled and the School Districts needed to absorb that capacity before additional capacity could be added. He explained the schools that were over enrolled, and did not meet capacity, needed to be addressed. He further explained that the School District preferred not to begin a large boundary change.

Mr. Coates explained the School District along with the Interlocal Oversight Committee agreed it would be best to increase the level of service to allow the use of portables, which was not an option included in the original concurrency agreement. He explained changing from 110% permanent capacity to 100% gross capacity would give additional capacity where needed. Mr. Coates said the School District was looking for support from the 27 municipalities, already signed on to the Interlocal Agreement, to approve the second amendment. He said at that time 8 cities had already approved the amendment and the School District was looking for full approval by May 15, 2010. Mr. Coates said if the amendment could not be approved then the School District would have to begin looking at large boundary changes. He explained in order for the amendment to pass, it needed to be approved by the School District and Broward County, which it was, and 21 of the 27 municipalities in the Interlocal Agreement. He pointed out the 21 municipalities needed to represent at least 75% of the population of Broward County.

Commissioner Vincent asked how many other municipalities had approved the second amendment. Mr. Coates clarified that 8 municipalities had done so.

Commissioner Sasser asked for clarification that the problem was a capacity measurement that did not allow portables under the current criteria, and the amendment would allow the use of portables to avoid boundary. Mr. Coates confirmed. Commissioner Sasser asked the Town Attorney what would happen if the Town did not approve the amendment. Attorney Trevarthen explained that because 75% of the population needed to approve the amendment. She added that even if the Town did not approve the amendment, it could still pass. She explained that if that were to occur the Town could potentially be out of compliance with the statute. Attorney Trevarthen said the Town needed to show they were a continuing signatory to the agreement and that the Towns' Comprehensive Plan still supported the agreement to show compliance with the statute.

Vice Mayor Dodd pointed out the Town did not meet the requirement of the percentage for the level of service for elementary schools and wanted to know what the School District was going to do for the Town to help meet the level of service. Mr. Coates explained that the amendment would allow for less displacement but would not eliminate it because there were certain schools that did not have the room for additional portables. He assured the Commission that all of the schools that serviced the Town would benefit from the second amendment.

Commissioner Sasser requested clarification that if the Town voted yes there would be less displacement and more displacement if the Town were to vote no. Mr. Coates explained it was on a school by school basis. Commissioner Sasser requested clarification from the Town Attorney that 21 municipalities and 75% were needed to approve the amendment. Mr. Coates explained 75% of the cities were needed, which was 21 municipalities, along with 50% of the population.

Mr. Coates explained that if the School District did not meet the 100% gross level of service by 2014-2015 they would have to seek boundary changes, and said the second amendment would allow the School District breathing room to come up with better solutions for the future.

Mayor Minnet explained she would recommend approving this and was concerned with being out of compliance. She wanted to discuss drafting a resolution asking the School District to hold quarterly meetings to increase communication with the municipalities.

Commissioner Clotey agreed with the Mayor and recommended approving the amendment to lower the chance of displacement for the children.

Commissioner Sasser felt the Town did not have to approve the amendment and could draft a resolution stating that if the amendment did pass then the Town would fall in line with the requirements. He was concerned that the second amendment would not fix the problem.

Vice Mayor Dodd was not in support of the amendment; he felt it would give the Town only second best. Mr. Coates explained that these issues were not created by the School Board; they supported the second amendment as an alternative to allow additional time to come up with a long term solution.

Manager Colon explained the Town was in compliance with the DCA Land Use and Concurrency Plan and asked the Town Attorney if the Town did not approve the amendment would the DCA deem the Town as non-compliant. Attorney Trevarthen confirmed the Town could potentially end up non-compliant.

Commissioner Sasser felt the second amendment was an insufficient solution, and felt that even with buying additional time the children would still end up being displaced. He said he would like to discuss future implications at the next roundtable.

Mayor Minnet clarified the item would be on the next Roundtable agenda for discussion and then come back to the April 27, 2010 Commission meeting for action.

There was no further discussion.

## **5. PUBLIC COMMENTS**

Mayor Minnet read a statement regarding Public Comments, hereto attached as part of these minutes.

Eugene Healey presented a handout to the Town Clerk. He addressed sailing regulations in the Town. He said on January 31, 2010 he received a Code violation for section 5.51 prohibiting storage of boats on private property. Mr. Healey requested the Commission consider looking at registrations forms used in other municipalities for boat storage permits.

John Oughton was concerned that Choice Environmental did not have a system in place to notify customers when their garbage bill was delinquent. He hoped the Commission would pay attention to the lack of service that was received from Choice Environmental.

Mark Brown questioned whether the landscaping for the A1A Scenic Highway project would match that of the condominiums existing landscaping along A1A. He said the condominiums spent a lot of money to maintain their landscaping and hoped the Commission would think about that before spending money on the project. Mr. Brown questioned whether the definition for the A1A Scenic Project could be expanded to include the El Mar Beautification project so that the \$1 million dollars in the bank could be used to pay the matching grant requirement.

Adam Geesey felt that the overhead utility lines were a safety issue that needed to be addressed, and that burying lines would beautify the Town and make it more pedestrian friendly. Mr. Geesey suggested burying the utility lines before beautifying El Mar Drive and seeking State and Federal funding to complete the project.

Ray Wolowicz recommended placing a "welcome" sign above the Town signs when entering the Town and a "Thank you for Visiting" sign when leaving the Town.

Cindy Geesey believed there should be citizen input during Roundtable meetings. She pointed out there never used to be a Commissioner as the Chairperson for the 4th of

July event until 2002. Ms. Geesey was pleased to see the Chamber handling the 4th of July event. She said the Chamber of Commerce roof was renovated in 1994 for \$30,000. Ms. Geesey felt Commissioner Clotney's comments at the last meeting regarding a conflict of interest for applicants or their spouses association with a local business, was unfair.

Edmund Malkoon asked the Commission to allow public comments at the Roundtable meetings and to schedule them bi-weekly. He pointed out the Chamber of Commerce was a historical building and renovated in 1994. Mr. Malkoon requested the Commission allow the Master Plan Steering Committee (MPSC) to look at the EL Mar Drive Beautification project again.

## **6. REPORTS**

- a. Chen & Associates update on Storm Water Study (Town Engineer James Barton)

Town Engineer, James Barton explained the Storm Water Master Plan was near completion. He said the field surveys were complete, the future completion model was built, and cost estimates were being obtained. Engineer Barton said the findings were on track and ready to be presented in two weeks.

Mayor Minnet clarified that item 15N was also being discussed under this item. She asked if any resident input was included in this study and how they determined which areas to survey.

Engineer Barton explained that along with complaints received by staff they also assessed areas after the rain and mapped them accordingly.

- b. Florida Department of Transportation (FDOT) Local Agency Program (LAP) SR-A1A Enhancement Project FM-418022-1, Pine Ave to Terra Mar Drive, Project Schedule (Assistant Town Manager John Olinzock)

Assistant Town Manager Olinzock addressed a report created by PBS&J to keep the project on track and achieve certain goals. He said he emphasized to PBS&J how important it was to submit the plans on time to FDOT to ensure the funding would not be lost for the project. Assistant Town Manager Olinzock advised from there FDOT could respond what their expectations, likes, and dislikes were. He added that it would also allow members of the Boards and Committees to be placed before the public hearing was to be held.

Commissioner Sasser said he did not see a meeting between PBS&J and the MPSC scheduled. Assistant Town Manager Olinzock reminded everyone that there would be one big meeting on August 16, 2010 with everyone including the MPSC. He said they were also planning on providing a large drawing depiction that could be displayed in Town Hall. Commissioner Sasser said he wanted the Towns' input given to PBS&J before they came up with a design. He suggested PBS&J meet with the MPSC on April 20, 2010. Commissioner Sasser felt it was problematic to do the designs first and then

get public input afterwards. Assistant Town Manager Olinzock explained that it was not a problem for PBS&J to meet with the MPSC after June 1, 2010 because until FDOT sent back their comments, the Town had nothing to work with.

Commissioner Sasser was concerned that PBS&J would come up with a design, submit it to FDOT, FDOT would approve the design, and then at the August 16 meeting the residents would not be happy with the approved FDOT design. He said he would rather have the Towns' input placed on the front end of the design.

Vice Mayor Dodd requested that some time in the near future clarification be made regarding the matching grants and approximately how much the Town would need to pay.

Commissioner Vincent explained that the Town wanted to start out on the right foot and obtain citizen's input on landscaping standards.

Commissioner Clotley explained that if PBS&J held an open meeting with the MPSC they could let them know what the requirements were, and what could and could not be done. Assistant Town Manager Olinzock requested consensus from the Commission to invite PBS&J to the next MPSC.

Mayor Minnet requested that any information and/or perimeters be given to the MPSC ahead of time so the committee could do research.

Vice Mayor Dodd requested the Town properly welcome the new MPSC members at their first meeting next week.

Assistant Town Manager Olinzock asked if the Commission wanted him to contact FDOT to see if they could also attend the meeting. Commissioner Sasser agreed.

There was no further discussion.

## **7. PUBLIC SAFETY DISCUSSION**

Vice Mayor Dodd was concerned that the Commission was left in the dark regarding a gas leak in Town. He wanted to make sure this did not happen again and requested the item be placed on the next Roundtable agenda. He requested the Fire Chief and Fire Marshal explain what happened and whether there were any problems.

Fire Inspector, Steven Paine explained that on April 7, 2010 they received a call regarding a strong gas smell. He said the first unit to respond was the squirt truck, then himself, and then Chief Perkins. Inspector Paine explained the building had been previously shut down for a life safety issue and the door had to be forced open. He said once inside he noticed a smell of gas and contacted HAZMAT and the City of Ft. Lauderdale for back-up. Inspector Paine said the building was successfully evacuated and BSO shut down a two block radius around the building. He explained there was no active gas leak in the building.

Vice Mayor Dodd asked whether Inspector Paine had a problem wearing two hats as the VFD Fire Inspector and the Town Fire Marshal. Inspector Paine said it was not a problem for him. Vice Mayor Dodd was concerned that the Commission was not notified and wanted to make sure this did not happen again.

Commissioner Sasser questioned whether access to the restaurant could have made through the hotel. Inspector Paine explained he chose the access that would cause the least amount of damage based on the amount of time he had. Commissioner Sasser requested clarification that if the situation was caused by a pilot light going out or the vent going off. Inspector Paine said he was not sure. He explained that the cook shut the fan off the night before and that could have caused the smell.

Commissioner Vincent was surprised that even though the fans were off, the restaurant did not have a backup system.

Mayor Minnet said she would like to see protocol created for situations like this.

There was no further discussion.

Mayor Minnet recessed the meeting at 8:55 p.m. and reconvened at 9:10 p.m.

## **8. TOWN MANAGER REPORT**

### **a. Project Status Report**

Manager Colon asked Public Information Officer, Steve d'Oliviera to explain the Towns' protocol regarding press releases and emergency situations in Town. Mr. d'Oliviera explained that usually the Fire Department will send him a press release of the situation and he will proof for errors and release it in a way the public can understand what happened. He said he called the Fire Department to get the basic information and then called the local media to let them know what happened. Mr. d'Oliviera explained that the next day the Fire Department sent him the information regarding the situation and he then sent out an official press release to the local media.

Manager Colon said that the Town Public Information Officer and the Fire Chief agreed that in the future the Commissioners would be included when press releases were sent out.

Mayor Minnet wanted a standard of procedure. Chief Perkins explained that the protocol was that Mr. d'Oliviera was the Fire Departments' Public Information Officer and he would be the Public Information Officer in Mr. d'Olivieras' absence.

Vice Mayor Dodd requested this item be placed on the next Roundtable meeting agenda.

Manager Colon said the Certificate of Occupancy was received for the Bel-Air project, and the Certificate of Completion was issued for the Public Safety Building. She

explained the major Capital Improvement projects in Town were the A1A Streetscape, the El Mar Beautification and the Bus Shelters. Manager Colon said the minor Capital Improvement projects were the relocation of Code Enforcement and the Building Department, and installing the street signs in Bel-Air. She explained that items delegated to staff at the last Roundtable meeting would appear on the next project status report.

Manager Colon informed the Commission that the next major issue that needed to be addressed was BSO's indication that there will be a significant increase in price in the future. She requested an analysis from BSO as to how many major crimes were solved in Town to justify the increase in price. Manager Colon said she also requested the dollar amount of the increase from Sheriff Lamberti and once the amount was received BSO would do a presentation to the Town. She requested the Commission advise her of any items they wanted added to her report.

Vice Mayor Dodd requested a status on the Choice Environmental negotiations be added to the next status report. Attorney Trevarthen explained she was still waiting to hear back from the attorney for Choice Environmental; however she would call to get a status. Vice Mayor Dodd wanted to get things moving and stated that if offering an additional year to the contract would get the ball rolling, then something needed to be negotiated. Attorney Trevarthen pointed out that billing issues were not being discussed with Choice at the moment; that was handled by Town staff on a day to day basis.

Assistant Town Manager Olinzock explained that Choice Environmental said they wanted confirmation that properties were vacant before turning off their service, and that several avenues were being looked at regarding temporary discontinuance services. He said Town staff was still waiting for word from the company on what they specifically wanted.

Commissioner Sasser questioned whether the contract with Choice Environmental had an early termination clause or a liquidated damages clause. Attorney Trevarthen said she was not sure. Commissioner Sasser felt this was something that needed to be accelerated and suggested finding something in the contract that could be used as leverage to get them back to the table faster.

Commissioner Sasser said he did not see the status of the Warehouse or the Choice Environmental negotiations on the report and understood that the Commission would not address each item at every meeting; but still wanted to see the items on the list. He did not want anything to slip through the cracks.

Mayor Minnet pointed out the Wings project was also missing from the list. She felt it had become a problem and wanted to know where the project stood. Attorney Trevarthen explained that the Certificate of Occupancy was not the issue; it was regarding parking spaces addressed in the agreement. She explained that she provided information to Wings regarding the interpretation and they submitted a public records request to the Town for the recording of that meeting for further clarification.



Mayor Minnet wanted to know when the Town would begin single stream recycling. Assistant Town Manager Olinzock confirmed the Town was already doing so; however the major issue residents were facing was finding room for an additional container to allow them to recycle. Mayor Minnet questioned whether the Town was in line for any energy stimulus funds. Manager Colon explained the Town would submit their name to the list once the RFP was released.

Commissioner Vincent felt Choice Environmental avoided answering the concerns of the Town because they already had a contract. He addressed the situation regarding the new keys for Town Hall and questioned why the Commission was left in the dark. Manager Colon explained the Town Hall key was changed because one was lost by a staff member. She explained a phone call was placed by the Clerk's Office to the Commissioners and it was anticipated that each Commissioner would sign for their key when they came to pick up their flash drives.

Vice Mayor Dodd said he was available by phone and/or email 24 hours a day, 7 days a week. He asked for staff to think outside the box regarding the negotiations with Choice Environmental.

Commissioner Clotey thought more than one property was being affected regarding the trash company and feared the Town might face litigation for not fairly charging the residents.

Commissioner Sasser suggested discussing this at the next Roundtable meeting. He also requested the Commission go over what was on the next Roundtable agenda so that everyone was aware.

There was no further discussion.

## **9. APPROVAL OF MINUTES**

### **Meeting Minutes are pending Roundtable Decision**

- a. February 23, 2010 Regular Meeting
- b. March 4, 2010 Regular Meeting
- c. March 15, 2010 Special Meeting
- d. March 17, 2010 Special Organizational Meeting
- e. March 29, 2010 Roundtable

Commissioner Sasser made a motion to approve all of the minutes. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

## **10. ORDINANCES – PUBLIC COMMENTS**

- 1. Ordinances 1<sup>st</sup> Reading
- 2. Ordinances 2<sup>nd</sup> Reading

## 11. COMMISSIONER COMMENTS

Vice Mayor Dodd congratulated the Easter event on their success. He hoped to be re-elected to the Hillsboro Inlet, and was happy to see the Sea Lord being re-built in Town. Vice Mayor Dodd felt the Roundtable meeting was very successful and hoped they would reduce the burden on the main agendas.

Commissioner Vincent addressed the Easter by the Sea event. He thanked his wife and everyone involved. Commissioner Vincent reported there were over 300 children; 500 total at the event and especially thanked Interior Digs for the decoration of Jarvis Hall. He reported the amount spent for the event was \$1,918.07 and all the appropriate paper work was turned in to Town Hall for reimbursement. Commissioner Vincent sent his condolences to the Marchelos family for the loss of their father.

Mayor Minnet thanked Commissioner Vincent and his wife for the Easter event. She also thanked the VFD and the local church for the Easter Sunrise Service. Mayor Minnet congratulated Chief Gooding on his assignment in the court system and encouraged everyone to fill out their Census forms. She felt the Roundtable meetings were a work of progress and thanked the residents for their input. Mayor Minnet reminded everyone that Earth Day was April 22, 2010.

Commissioner Sasser thanked the Commission for rescheduling the first roundtable so that he could attend. He thanked everyone for the Easter event and specifically Mrs. Vincent. He congratulated Chief Gooding and sent his condolences to the Marchelos family. He pointed out the Roundtable meetings were still a work in progress and apologized to everyone if they were not happy with the last meeting. Commissioner Sasser promised to always ask the hard questions and apologized for bringing up topics for discussion previously discussed at the Roundtable meeting.

Commissioner Clotney sent her condolences to the Marchelos family and thanked Commissioner Vincent and his wife for the Easter event. She was concerned that there may not be any fireworks at the 4th of July event. Commissioner Clotney said she favored burying utility lines and hoped the Town could find ways to do so in the future.

## 12. CONSENT AGENDA

Vice Mayor Dodd made a motion to approve items 12A, 12B, and 12C on consent. Commissioner Vincent seconded the motion. The motion carried 5-0.

- a. Town Commission approval of (1) year extension to Tree Trimming Services Agreement with Lawn Logic, LLC per existing agreement, paragraph 8 – ***Deferred at the February 23, 2010 Commission meeting by Commissioner Clotney*** (Assistant Town Manager John Olinzock)
- b. Installation of (5) additional Turtle Shields on El Mar Drive \$3,018 (Assistant Town Manager John Olinzock)

- c. On the January 26, 2010 Commission agenda , staff requested Commission approval of Special Event Permit Application for Jazz on the Square – Village Pump and Grille “Jazz on the Square” Event, Quarter 2, every Friday night, 4:30PM till 11:30PM, April 23, 2010 through July 23, 2010 (Assistant Town Manager John Olinzock) *Deferred at the January 12, 2010 Commission meeting by Commissioner Dodd – Withdrawn at the January 26, 2010 Commission meeting by Commissioner Dodd*

**This item was added to the April 13, 2010 Consent agenda as an addendum to the original agenda**

**13. RESOLUTION – “Public Comments”**

- a. **Resolution 2010-05:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, OPPOSING THE LOCAL BILL PROPOSING TO CREATE THE BROWARD INDEPENDENT FIRE DISTRICT

Attorney Trevarthen read Resolution 2010-05 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd made a motion to approve Resolution 2010-05. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. **Resolution 2010-07:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – Changes and/or additions to be applied at meeting per Town Attorney

Attorney Trevarthen read Resolution 2010-07 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd requested this item be deferred to the next Roundtable meeting. Mayor Minnet requested everyone look at their schedules and chose a date for the next Roundtable meeting. It was the consensus of the Commission to schedule the next Roundtable meeting for April 16, 2010 at 4:00 p.m.

Commissioner Clotey questioned the deadline for submitting agenda items for the next Roundtable meeting. Vice Mayor Dodd suggested Commissioners could put an item on 24 hours in advance but if the item needed backup, the item would have to be submitted one week in advance. Clerk White said there needed to be some type of procedure in place and that she needed at least a week to prepare everything. The

Commission agreed the deadline for the next Roundtable meeting would be April 15, 2010 at 12:00 p.m.

- c. **Resolution 2010-08:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF THE MEMBERS OF THE TOWN'S MASTER PLAN STEERING COMMITTEE; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE - Changes and/or additions to be applied at meeting per Town Attorney

Attorney Trevarthen read Resolution 2010-08 by title.

Vice Mayor Dodd explained that he appointed Commissioner David Wessels at the previous meeting and since then Commissioner Wessels indicated he had a conflict with the time of the MPSC meetings and declined the appointment. Vice Mayor Dodd appointed Helene Wetherington to fill the empty position.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Mayor Minnet announced the names of MPSC as follows: Sandra Booth, Ken Kugler, Robert Eckblad, Marjorie Evans, Edmund Malkoon, Paul Novak, John Panitsas, James Rogers, and Helene Wetherington.

Vice Mayor Dodd made a motion to approve Resolution 2010-08 as amended. Commissioner Sasser seconded the motion. The motion carried 5-0.

- d. **Resolution 2010-03:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA SUPPORTING THE IMPLEMENTATION OF RENEWABLE OCEAN ENERGY GENERATION; PROVIDING FOR AN EFFECTIVE DATE – ***Deferred at the March 23, 2010 Commission Meeting*** - Vice Mayor Stuart Dodd

Attorney Trevarthen read Resolution 2010-03 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd made a motion to approve Resolution 2010-03. Commissioner Vincent seconded the motion. The motion carried 5-0.

#### 14. QUASI JUDICIAL PUBLIC HEARINGS

#### 15. OLD BUSINESS FROM APRIL 12, 2010 ROUNDTABLE

- a. Bocce Ball Court Expansion (Town Engineer James Barton) ***Deferred at the March 23, 2010 Commission meeting*** – Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- b. Chamber of Commerce Roof Repair (Town Engineer James Barton) - ***Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- c. Tennis Court Lighting (Town Engineer James Barton) ***Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- d. Schedule Capital Improvement Project Workshop (Town Manager Esther Colon) - ***Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

It was the consensus of the Commission to schedule the Capital Improvement Workshop for April 26, 2010 at 7:00p.m.

- e. Minute Procedure (Town Clerk June White) - ***Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- f. Discussion and/or action to have the Town Engineer research the traffic flow on Imperial Lane to see if signage or a barrier is needed to prevent through traffic from A1A from entering this street (Commissioner Birute Clotey) *Direction given at the January 26, 2010 meeting for additional information (Town Engineer James Barton) – Deferred at the March 23, 2010 Commission meeting* - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- g. Discussion and/or action for the Commission to give its final approval to the final construction drawings for the El Mar Drive beautification before construction begins (Commissioner Stuart Dodd) ***Direction given at the January 26, 2010 meeting to go before the Master Plan Steering Committee - Deferred at the March 23, 2010 Commission meeting*** Vice Mayor Stuart Dodd

Commissioner Sasser said he had several questions regarding the CCNA regulations, Ocampo & Associates contract with the Town for this project, and grant funding. He wanted to know if the Commission would prefer he ask his questions at that time or at the next Roundtable meeting. Mayor Minnet said in the essence of time it would be best to wait until the next Roundtable meeting.

Vice Mayor Dodd was also concerned with the CCNA regulations. He wanted the Town Attorney to look at any legal ramifications of the statute.

Manager Colon explained the CCNA regulations applied to construction costs over \$250,000 and that she had no problem with both Chen & Associates and Ocampo & Associates attending the MPSC meeting; as long as the Commission approved their attendance because it would be at a cost.

Commissioner Clottey felt it would be better to make the decision tonight so that both companies could be prepared to attend. Mayor Minnet requested staff notify both companies to save the date just in case they needed to be at the meeting.

- h. Discussion and/or action by Town Commission regarding Enforcement of Parking Spaces surrounding Town Municipal Park (Assistant Town Manager John Olinzock) ***Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- i. Discussion and/or action regarding House Bill 561 and Senate Bill 1222 (Mayor Roseann Minnet) - ***Deferred at the March 23, 2010 Commission meeting*** - Commissioner Scot Sasser

This item was addressed earlier in the evening.

- j. Discussion and/or action regarding selection of a Chairperson for the July 4<sup>th</sup>, 2010 event (Mayor Roseann Minnet) ***Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

Mayor Minnet reminded the Commission that the fireworks and permitting were issues that needed to be addressed as soon as possible, and that she would like to Chair the event.

Commissioner Clottey made a motion to nominate Mayor Minnet to Chair the Fourth of July Event. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

Vice Mayor Dodd offered his assistance to Mayor Minnet for planning and explained he did not want to see fireworks on the beach for environmental reasons, nor on the pier or on a barge for financial reasons.

Commissioner Sasser was in favor of the fireworks and wanted to at least have discussions regarding holding them on a barge. He also wanted consensus on the budget for the event.

Manager Colon said the budget set for the 2010 Fourth of July event was \$40,000. She explained that it was late in the year so if the barge was still an option to the Commission it needed to be determined as soon as possible.

Commissioner Clottey requested clarification of the amount spent on last year's event; she was under the impression it was about \$22,000. Manager Colon confirmed that

amount was after the donations were calculated, and the big savings came from the fireworks being held on the beach. Mayor Minnet requested staff get pricing on holding the fireworks on a barge and on the pier; not on the beach.

Vice Mayor Dodd requested a cost analysis for the past three years of the fireworks held on a barge, on the pier, and on the beach. He asked to include the donation amounts in the cost analysis.

There was no further discussion.

- k. Discussion and/or action regarding a contest for a new slogan (Commissioner Clotney) – ***Deferred at the March 23, 2010 Commission meeting*** – Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- l. Commission Selection of Bus Shelter Design for the Two eligible locations within Town for the Broward County Transit Shelters and Amenities Program (Town Engineer James Barton) ***Deferred at the February 23, 2010 Commission meeting - Deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- m. **Resolution 2010-03:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA SUPPORTING THE IMPLEMENTATION OF RENEWABLE OCEAN ENERGY GENERATION; PROVIDING FOR AN EFFECTIVE DATE – ***Deferred at the March 23, 2010 Commission Meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- n. Stormwater Master Plan Final Report - (Town Engineer James Barton) ***Deferred at the February 23, 2010 Commission meeting - Scheduled for the April 27, 2010 Commission meeting – Pulled and deferred at the March 23, 2010 Commission meeting*** - Vice Mayor Stuart Dodd

This item was addressed earlier in the evening.

- o. **Ordinance 2009-35:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE – Approved 1<sup>st</sup> reading on January 12, 2010 - ***Scheduled for the June 22, 2010 Commission Meeting for P&Z review – Pulled and***

***deferred at the March 23, 2010 Commission meeting - Vice Mayor Stuart Dodd***

This item was addressed earlier in the evening.

**16. OLD BUSINESS FOR APRIL 13, 2010**

- a. Discussion and/or action – Hillsboro Inlet – Applications attached (Commissioner Birute Ann Clotney) – ***Deferred at the January 12, 2010 and the January 26, 2010 Commission meeting by Vice Mayor Stuart Dodd***

Commissioner Vincent made a motion to nominated Vice Mayor Dodd. Commissioner Sasser seconded the motion. The motion carried 4-0. Vice Mayor Dodd abstained.

- b. Jarvis Hall Interior Lighting Replacement (Assistant Town Manager John Olinzock) ***Deferred at the March 23, 2010 Commission meeting by Mayor Roseann Minnet***

Commissioner Vincent was concerned that none of the quotes compared apples to apples. Assistant Town Manager Olinzock explained that phone calls were made for the contractor to come in, look at the room, and give their recommendation of the work that needed to be done; no formal specifications were given to the contractors.

Mayor Minnet requested this item be discussed at the next Roundtable meeting.

There was no further discussion.

- c. Discussion to approve the Second ILA (Interlocal Agreement) for the Public School Facility Planning of Broward County – Back up attached (Assistant Town Manager Olinzock) ***Deferred at the February 23, 2010 Commission meeting by Vice Mayor Stuart Dodd -***

This item was addressed with item 4B.

- d. Commission Approval of Execution of Agreement for Maintenance of Bus Shelters (Assistant Town Manager John Olinzock)

Assistant Town Manager Olinzock explained he placed a copy of the agreement in the backup to assist the Commission in their decision making. He clarified the location of the shelters were on the eastbound side of Commercial Boulevard and the southbound side of A1A at Pine Avenue.

Commissioner Sasser requested that this item wait until after the next MPSC so the committee could look at the design first. Assistant Town Manager Olinzock said he would try to hold Broward County until then. Commissioner Sasser asked if the agreement could be approved while the design was deliberated by the MPSC. Assistant Town Manager Olinzock said he would try. He added that the worst scenario would be that Broward County would say no.



Commissioner Vincent agreed with Commissioner Sasser to have the design component go before the MPSC.

Vice Mayor Dodd felt this item could go forward without it going before the MPSC.

Vice Mayor Dodd made a motion to approve the agreement with the curved column option without the item going before the MPSC. Commissioner Clottey seconded the motion. The motion carried 3-2. Commissioner Vincent and Commissioner Sasser voted no.

## 17. NEW BUSINESS

- a. Discussion regarding Ordinance 2010-02 amending Chapter 2, "Administration", Section 2-18, "Special Meetings", to revise the notice period for a special meeting of the Town Commission - ***Deferred at the March 23, 2010 Commission Meeting by Vice Mayor Dodd for discussion and/or action under New Business***

Attorney Trevarthen explained the current Code violated the understanding of the Sunshine Laws, whereas the Code called for a 6 hour notice of meeting and the State Attorney General called for 24 hours as minimum notice of meeting.

Vice Mayor Dodd made motion to move forward with an ordinance allowing for a 24 hour notice of meeting. Commissioner Vincent seconded the motion. The motion carried 5-0.

- b. Commission approval to proceed with RFP 10-03-01 for Audit Services (Town Manager Esther Colon)

Manager Colon explained the document contained a small cost component and firmly believed that selection should be made based on qualifications instead of the cost.

Vice Mayor Dodd requested that on page 6 of 24, under irregularities, the phrase "may include" be changed to "shall include", so that it is not optional. He said he looked forward to competitive bidding.

Commissioner Sasser requested clarification that staff was sending the RFP to those companies who qualified under the previous RFQ. Manager Colon explained this RFP would go out for advertisement to everyone all over again, making the previous RFP null and void.

Commissioner Vincent requested reassurance that Florida Statutes were being followed in regards to an Audit Committee evaluating the proposals prior to Commission selection. He inquired as to who was on the Audit Committee. Attorney Trevarthen explained the RFQ document called for the creation of an Audit Committee per Florida Statute. She pointed out the clause was referenced on page 13 of 24 of the document.

Mayor Minnet made a Point of Information that the Audit Committee would consist of the Town Manager, the Finance and Budget Director, and an external Finance Director. She asked whether this was standard among municipalities. Attorney Trevarthen explained it was not unusual and the statute was silent regarding the members of the committee. Mayor Minnet questioned whether the Commission was allowed to appoint anyone and/or add additional members to the Audit Committee. Attorney Trevarthen confirmed the Commission could do so.

Commissioner Sasser requested clarification as to who was currently on the Audit Committee. Mayor Minnet clarified the Audit Committee was not yet created but would consist of the Town Manager, the Finance and Budget Director, and an external Finance Director. Commissioner Sasser questioned whether there was an Audit Committee in place for the previous RFQ and if that committee could be used for this RFQ. Manager Colon explained that the final decision was to be made by the Commission. She pointed out that all prices received with the proposals would be sealed until the company was chosen by the Commission. Commissioner Sasser asked who the previous external Finance Director was for the RFQ. Manager Colon said the previous external Finance Director was Chris Wallace from the City of West Park. She pointed out that the external Finance Director did not have to be the same person.

Vice Mayor Dodd requested clarification that all prices will be opened and read aloud at the bid opening. He felt it would bind the Town to a price if they were not read aloud prior to selection.

At this time the Commission agreed to place all other items not yet discussed on the April 27, 2010 Commission meeting agenda.

Manager Colon explained that once selection of a company was made negotiations could begin on pricing; the Town was not bound to any price. Attorney Trevarthen confirmed Florida Statute required that selection not be made on the price component alone. She clarified that qualification counted for 80% and pricing counted for 20% of the RFQ.

Commissioner Vincent was concerned why the Commission was discussing an RFQ if the Town was going out for RFP. Manager Colon explained the previous RFQ was changed to be an RFP; however all statutory requirements were still being followed.

Commissioner Clotney was concerned that if the process did not start right away the Town would not meet statutory requirements and questioned what the penalties would be if the audit was not completed in time. Manager Colon said she would provide a response from the Auditor General. Commissioner Clotney asked if once the companies were presented to the Commission for selection, the Commission could also see the companies quoted price. Manager Colon explained that once the qualified list was presented to the Commission they would be able to see the prices from each company before the decision was made.

Mayor Minnet asked whether the Commission was allowed to add someone to the Audit Committee. She also wanted to see a summary page added to the document that each

company would have to fill out so that the RFP was easier to read and understand. Manager Colon explained that would be available as it was for all previous bids.

Commissioner Sasser explained he was not ready to approve the document. He said he still had several questions and wanted to make sure each document would come back in a uniformed manner.

Mayor Minnet requested the Town Attorney research whether other municipalities usually appointed residents or other members to the Audit Committee with auditing backgrounds. Attorney Trevarthen agreed to research the topic. Manager Colon expressed she had no problem with an additional person added to the Audit Committee; she requested that person have municipal government experience and understand that the members would have no communication with each other.

Vice Mayor Dodd made a motion to defer this item to the April 27, 2010 Commission meeting. Commissioner Sasser seconded the motion. The motion carried 5-0.

Commissioner Clotey made a motion to adjourn. With no further business before the Town, Mayor Minnet adjourned the meeting at 11:18 p.m.

- c. Commission approval to proceed with RFP 10-03-02 for Realtor (Town Manager Esther Colon)
- d. Re-appointment of member to the Master Plan Steering Committee (Vice Mayor Stuart Dodd)
- e. Code of Conduct for Commission. This will be in addition to a Code of Ethics. Attached backup is simply a draft for discussion and consideration. I would like to have the Town Attorney, after discussion from the Commission, begin drafting the Code of Conduct for the Commission. I expect this to be pushed to Roundtable discussion but wanted To get this in front of the Commission for immediate attention (Commissioner Scot Sasser)
- f. Discussion and/or action regarding changing the time for the Board of Adjustment Meeting to an evening hour. I believe this will generate more interest and applications for this Board. I expect a motion to make the meeting time to 6:00 PM or 7:00 PM on a date specified by the Board (Commissioner Scot Sasser)
- g. Discussion: concern has been expressed about speeding cars on Seagrape south of Commercial. Some drivers are using this street to bypass the Commercial and A1A intersection. A resident has requested the installation of speed bumps on this stretch of Seagrape in order to slow down traffic. Proposed outcome: Have the Town Engineer look into traffic flow and speed on this street (Commissioner Clotey)

- h. Request update on Warehouse Located at: 5423 NE 14<sup>th</sup> Avenue  
(Commissioner Chris Vincent)
- i. Discussion regarding Ordinance 2010-03 amending Chapter 2  
"Administration," Article III "Departments," and Article IV, "Officers And  
Employees," of the Town Code of Ordinances, in order to update Town  
departments and duties (Town Attorney Susan Trevarthen)
- j. Discussion regarding Ordinance 2010-04 amending Chapter 2  
"Administration", Article II "Town Commission" and Chapter 7 "Elections" of  
the Town Code of Ordinances, in order to address conflicts with the Town  
Charter and within the code regarding election procedures (Town Attorney  
Susan Trevarthen)
- k. Discussion regarding Ordinance 2010-05 amending Chapter 30, Unified Land  
Development Regulations of the Code of Ordinances by amending the  
provisions applicable to the Planning and Zoning Board and the Board of  
Adjustment (Town Attorney Susan Trevarthen)

**18. TOWN ATTORNEY REPORT**

**19. ADJOURNMENT**

**20. FUTURE AGENDA ITEMS**

\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:

\_\_\_\_\_  
Town Clerk, June White

\_\_\_\_\_  
Date